

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Misty Lynn Rose,

Plaintiff,

Case No. 17-13054

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge Stephanie Dawkins

Defendant.

Davis

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**ORDER ADOPTING REPORT AND RECOMMENDATION [19]**

This is a Social Security appeal. Before the Court is Magistrate Judge Stephanie Dawkins Davis's report and recommendation (Dkt. 19) recommending the Court grant plaintiff's motion for summary judgment (Dkt. 16) and deny defendant's motion for summary judgment (Dkt. 18). The parties were required to file specific written objections to the report and recommendation within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The court has nevertheless thoroughly reviewed the report and recommendation and concurs in the reasoning and result. Accordingly,

The report and recommendation (Dkt. 19) is **ADOPTED**;

Plaintiff's motion for summary judgment (Dkt. 16) is **GRANTED**;

Defendant's motion for summary judgment (Dkt. 18) is **DENIED**;

and

The findings of the Commissioner are **REVERSED** and this case is hereby **REMANDED** for further proceedings.<sup>1</sup>

IT IS SO ORDERED.

Dated: February 26, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 26, 2019.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager

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<sup>1</sup> By failing to object to the Report and Recommendation, the parties have waived any further right of appeal. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).